

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. _____

Jennifer Smith,	*
Plaintiff	*
	*
	*
vs.	*
	*
Solomon and Solomon, P.C. and	*
Julie B. Solomon,	*
Defendants	*
	*

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and/or statutory damages brought by Plaintiff, Jennifer Smith, an individual consumer, against Solomon and Solomon, P.C. and Julie B. Solomon, for violations of the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. Section 1692k (d) and 28 U.S.C. Section 1337. Declaratory relief is available pursuant to 28 U.S.C. Sections 2201 and 2002. Venue in this District is proper in that the Defendants transact business here. The conduct complained of occurred here.

III. PARTIES

3. Plaintiff, Jennifer Smith, is a resident of 46 Pearl Street, Massachusetts 02740. Jennifer Smith was formerly known as Jennifer Gonsalves.
4. Defendant, Solomon and Solomon, P.C. is a New York Professional Corporation and is engaged in the business of collecting debt in this state with its principal place of business located at 5 Columbia Circle, Albany, New York. A principal purpose of Defendant is the collection of debts and Defendant regularly attempts to collect debts alleged to be due another.
5. Defendant, Solomon and Solomon, P.C. is engaged in the collection of debts from consumer using the mail and telephone. The Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. Section 1692a (6).
6. The Defendant, Julie B. Solomon is an attorney who is a director of Solomon and Solomon, P.C. and as such is personally liable for the professional corporation's debts.

IV. FACTUAL ALLEGATIONS

7. The Defendant on behalf of North Star Capital Acquisition, LLC filed suit against Jennifer Smith who was formerly known as Jennifer Gonsalves. The suit was an attempt to collect a consumer debt. The lawsuit was filed in the New Bedford District Court, docket number 201033CV0386.
8. On May 26, 2010, a Judgment entered against Jennifer Smith in the amount of \$7,159.22.
9. On March 3, 2011, the law firm of Solomon and Solomon, P.C. filed a second lawsuit against Jennifer Smith in the Attleboro District Court. The case was entitled North Star Capital, LLC vs. Jennifer Gonsalves, Defendant and U.S. Department of Interior, Trustee. The docket number of this lawsuit was 1134CV242. A copy of the Complaint is attached hereto and marked "A".
10. The Complaint in the Attleboro District Court requested a judgment against Jennifer Smith based upon the prior judgment entered in the New Bedford District Court. The Complaint was signed by the Defendant, Julie B. Solomon.
11. The Attleboro lawsuit also sought to garnish Mrs. Smith's wages from the Department of Interior via trustee process.

12. At all times relevant, the Plaintiff herein has been a site manager by the U.S. Department of Interior and works at 282 North Main Street in Providence, Rhode Island.
13. At no time did Mrs. Smith live within the towns serviced by the Attleboro District Court. The credit card debt which was acquired by North Star Capital Acquisition, LLC was not entered into in any way in any of the cities or towns serviced by the Attleboro District Court.

V. CLAIM FOR RELIEF

14. Plaintiff repeats and realleges and incorporates by reference paragraphs 1 through 13.
15. The Defendants violated the FDCPA. Defendants violations include, but are not limited to, the following:
 - a. The Defendants violated 15 USC Section 1692(i)(a)(2) by filing the Attleboro lawsuit in a judicial district or similar legal entity other than where the consumer signed the contract sued upon or where the consumer resided.
16. As a result of the foregoing violations of the FDCPA, the Defendants are liable to the Plaintiff, Jennifer Smith, for declaratory judgment that Defendants conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney's fees.

Wherefore, Plaintiff, Jennifer Smith, respectfully requests that judgment be entered against the Defendants, Solomon and Solomon, P.C. and Julie B. Solomon, for the following:

1. Declaratory judgment that Defendant's conduct violated the FDCPA;
2. Actual damages;
3. Statutory damages pursuant to U.S.C. Section 1692k;
4. Costs and reasonable attorney's fees pursuant to 15 U.S.C. Section 1692k; and
5. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, Jennifer Smith, demands trial by jury in this action.

Jennifer Smith
By her Attorney,

Dated: February 10, 2012

/s/ Roger Stanford
Roger Stanford, Esq.
STANFORD & SCHALL
100 Eighth Street
New Bedford, MA 02740
(508) 994-3393
BBO#: 476600